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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/483,062	01/14/2000	David B. Quinones	AND1P418	7850

29838 7590 10/21/2003

OPPENHEIMER WOLFF & DONNELLY, LLP (ACCENTURE)
PLAZA VII, SUITE 3300
45 SOUTH SEVENTH STREET
MINNEAPOLIS, MN 55402-1609

EXAMINER

EL HADY, NABIL M

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 10/21/2003

11

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/483,062

Applicant(s)

QUINONES ET AL.

Examiner

Nabil M El-Hady

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. Claims 1-18 are pending in this application.
2. In response to the request for filing receipt correction filed on 6/10/2003, Martin J. Mulroe is removed as inventor pursuant to the filed Declaration and power of Attorney for original U.S. patent application as filed March 29, 2000.
3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng et al. (USPN 6,151,643), hereafter "Cheng" in view of Cooper et al. (US 5,809,282), hereafter "Cooper".
5. As to claims 1, 3, 7, 9, 13, and 15, Cheng discloses the invention substantially as claimed including a method, system, and computer program embodied on a computer readable medium for improving an existing application infrastructure of an application service provider (abstract). The method comprising prompting a user to identify at least one aspect of an existing application infrastructure utilizing a network (col. 18, 16-53); receiving the identification of the at least one aspect of the existing application infrastructure utilizing the network (col. 19, lines 8-11); analyzing the at least one aspect of the existing application infrastructure using information

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stored in a database (col. 7, lines 54-61); and proposing improvements to the existing application infrastructure based on the analysis utilizing the network (col. 7, lines 62-64).

6. Cheng does not necessarily disclose using spreadsheet in the database. However, spreadsheet is well known in the art to be used as an automated table, and it would be obvious to one skilled in the art at the time of the invention to relate Cheng's database tables (col. 10, lines 63-67, and Fig. 8) to perform as a spreadsheet.

7. Cheng does not explicitly disclose a knowledge database. However, the use of a knowledge database to includes knowledge of experts in the form of rules and regulation is not new in the art. Cooper, for example, discloses the use of knowledge database to input various aspects of applications. It would be obvious to one skilled in the art at the time of the invention to combine the teachings of Cheng and Cooper because Cooper Knowledge database would enhance the functionality of Chang's system by providing knowledge base for selecting modification options and making informed decisions with predefined rules (see, Cooper, col. 2, lines 60-67; and col. 3, lines 13-30).

8. As to claims 2, 8, and 14, Cheng discloses the ability to deliver applications over the network (col. 6, lines 11-30).

9. As to claims 4, 10, and 16, Cheng discloses assessing results of the analysis and providing the user with the assessment (col. 7, lines 54-67, and col. 8, lines 1-7).

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10. As to claims 5, 11, and 17, Cheng discloses querying the user to identify the at least one aspect of the existing application infrastructure (Fig. 17a-17-d).

11. As to claims 6, 12, and 18, Cheng discloses adding components of the existing application infrastructure that are currently missing (col. 7, lines 62-67, and col. 8, lines 1-20).

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

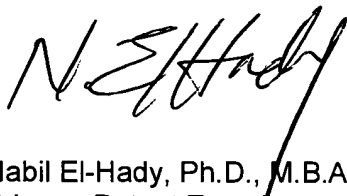
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nabil M El-Hady whose telephone number is (703) 308-7990. The examiner can normally be reached on 9:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai T An can be reached on (703) 305-9678. The fax phone numbers for the

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organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

A handwritten signature in black ink, appearing to read 'N El-Hady', with a long, sweeping vertical stroke extending downwards from the end of the signature.

Nabil El-Hady, Ph.D., M.B.A.
Primary Patent Examiner
October 20, 2003